

17.09.2025
Court No.13
Item Nos.5-7
pk

MAT 883 of 2024
CAN 2 of 2025

M/s. Ambika Prasad Bhakat & Bros.

Vs.

The State of West Bengal and others

With

MAT 884 of 2024

With

MAT 885 of 2024

Mr. Timir Baran Saha,

Mr. B. Sarkar

.. for the applicant.

Mr. Suddhadev Adak,

Ms. Arpita Mondal

... for the State.

Mr. R. A. Agarwala,

Ms. Nibedita Pal,

Mr. Ananda Gopal Mukherjee,

Ms. Sonam Ray

Ms. Nasrin Khatoon

... for the respondents.

1. CAN 2 of 2025 is an application for modification of the order dated 12.02.2025.
2. Modification is sought on the ground that the appellants did not authorize their counsel to give consent as recorded in paragraph 31 of the order dated 12.02.2025.
3. The application has been affirmed on 21st May, 2025 and filed immediately thereafter. The matter was mentioned for listing only in September, 2025.
4. This Court firstly notes that an advocate representing the counsel has deemed authority and

makes submissions based on instructions of his client.

5. The consent was recorded in the said order after the learned counsel had indicated such consent in presence of their advocates on record.
6. In view of the above, this Court is unable to modify the order dated 12.02.2025, particularly paragraph 31, where consent of counsel was specifically recorded.
7. In any event, the findings of this Court are based on law as decided in the said order, while interpreting the provisions of mid-day meal scheme vis a vis the provisions of the Control Orders issued under the Essential Commodities Act, 1955.
8. In the backdrop of the above, the question of modification of the order, therefore, does not and cannot arise.
9. CAN 2 of 2025 is dismissed.
10. There will be no order as to costs.
11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)